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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,244	11/08/2001	Hiroyuki Ohsawa	35.G2940	5030

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EXAMINER	
BLACKWELL, JAMES H	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/986,244	OHSAWA, HIROYUKI	
	Examiner	Art Unit	
	James H Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) *1-11,16-26 and 31-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-15,27-30 and 42-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to amendment received 11/29/04.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 27, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoades (U.S. Patent No. 6,311,214).

In regard to independent Claim 12 (and similarly independent Claims 27, and 42), Rhoades teaches an optical sensor (12), a computer (14), and a network connection (16) to the Internet (18). The optical sensor (12) is a digital camera (*image pickup device*) having a resolution of 320 by 200 pixels (color or black and white) that stares out, grabbing frames of image data five times per second and storing same in one or more frame buffers (*receiving device*). The frames of image data are analyzed by a computer (14) for the presence of Bedoop data (*information on the area where the image is picked up*). Essentially, Bedoop data is *any* form of digital data encoding recognized by the system (10)—data, which initiates some action. Once detected, the system responds in accordance with the detected Bedoop data (e.g., by initiating some local action, or by communication with a remote computer, such as over the Internet (Col. 2, lines 64-67; Col. 3, lines 1-10). To summarize, the camera grabs frames, stores them in buffers. The frames are scanned looking for a particular pattern of information, if

the pattern is found (the computer knows how to recognize and/or decode the pattern of information previously stored in a registry), an action is invoked on the computer based on what action is assigned to the pattern by looking it up in the registry, keying on the pattern. Though not explicitly taught by Rhoades, it would have been obvious to one of ordinary skill in the art at the time of invention to assume that the definition of the pattern of information, as defined above by Rhoades, would extend to anything found in the frames that was contained in the registry and corresponded to an action. A benefit would have been to recognize a URL in an image directing the user to online advertising.

Rhoades also teaches that *the receiving device is controlled based on a control command of a direction of the image pickup device* in that a local Bedoop system (28) provides image data to a decoder (32) (which may be implemented as a software component of the operating system (33)). The decoder (32) analyzes the image data to discern the plural-bit Bedoop data (*a receiving device controlled based on the area where the image is picked up by the image pickup device*). Based on information in Fig. 2, it appears that the computer contains the image buffer and decoder, though the image buffer could also be a part of the camera as is commonly known in the art. The CLASS ID of this Bedoop data is applied to a Bedoop registry (34). The registry responds by *identifying* and *launching* a local Bedoop *application* (*executing processing*) (36) designed to service the discerned Bedoop data (*executing processing for accessing an address corresponding to the predetermined image by referring to a memory storing an address corresponding to the picked-up image*) (Col. 8, lines 10-19).

Hence, the camera controls the actions that the computer takes by virtue of grabbing frames that contain information that once recognized, invoke an action on the computer (or another computer).

Rhoades also teaches *a control device for determining whether the image received by said receiving device includes a predetermined image* in that the decoder (32) analyzes the image data to discern the plural-bit Bedoop data (see above).

Rhoades also teaches that the operating system's registry database (*a memory storing an address corresponding to the picked-up image*) can be employed to associate different application programs with different CLASS/DNS Ids (*an address corresponding to the predetermined image*) (just as the .XLS and .DOC file extensions are commonly associated by existing operating system registries to invoke Microsoft Excel and Word software applications, respectively). When a new Bedoop application is installed, it logs an entry in the registry database indicating the CLASS/DNS ID(s) that it will handle. Thereafter, when an object with such a CLASS/DNS ID is encountered, the operating system automatically launches the corresponding application to service the Bedoop data in an appropriate manner (Col. 7, lines 50-63).

In regard to dependent Claim 13 (and similarly dependent Claims 28, and 43), Claim 13 (and similarly Claims 28, and 43) reflects the access system as claimed in Claim 12 (and similarly Claims 27, and 42), and is rejected along the same rationale.

In regard to dependent Claims 14-15 (and similarly dependent Claims 29-30, and 44-45), Rhoades does not explicitly teach that *the address includes a URL, or an email address*. However, Rhoades does teach, by way of example, the on-line acquisition of a greeting card, e.g., by visiting a web site specializing in greeting cards. With suitable user-selection (and, optionally, customization), the desired card can be printed using an inkjet or other printer at the sender's home. In such case, the Bedoop data on the card can be similarly customized. Instead of leading to a site determined by the card vendor, the data can lead to the sender's personal web page, or to another arbitrary web address (Col. 10, lines 51-59). It would have been obvious to one of ordinary skill in the art at the time of invention to conclude that the Bedoop data encoded on the card led to the sender's personal web page, or to another arbitrary web address via a URL encoded as part of the Bedoop data. The benefit of this would have been to allow the user to access a web page without having to type a sometimes lengthy and confusing URL to access further information associated with the greeting card.

Response to Arguments

Applicant's arguments with respect to Claims 12-15, 27-30, and 42-45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Blackwell
04/13/05

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER